

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE**

**and**

**HON'BLE SHRI JUSTICE G.BHAVANI PRASAD**

**W.P.NO.11740 OF 2005**

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Between:

H. Siddanna

**..... Petitioner**

**AND**

M/s. Obulapuram Mining Co. Pvt. Ltd.

Rep. by its Managing Director, Karunakar Reddy,

Ennoble House, Krishnamachary Raod,

Ballary, Karnataka State and three others

**.....Respondents**

**::JUDGMENT::**

**Counsel for the Petitioner : Sri D. Suresh Kumar**

**Counsel for Respondent No. 1 : Sri T. Surya Karan Reddy**

**Counsel for Respondent No. 2 : Government Pleader for School  
Education**

**Counsel for Respondent Nos.3 and 5:Government Pleader for Mines and  
Geology**

**Counsel for Respondent No. 4 : Government Pleader for Forests**

**Dated 24/3/2006**

**Per Sri G.S.Singhvi, CJ**

This is a petition for issue of a direction to the respondents to preserve two hundred years old tribal temple of Sunkulamma Devi situated on the hill of Sunkulamma Konda at the reserve forest area in Survey No.1 of Obulapuram village in Hirehal Mandal of Ananthapur District.

We have heard learned counsel for the parties at length and perused the record.

At the conclusion of arguments, we suggested to the learned counsel for the petitioner that in view of the contentious issues of fact arising in the writ petition, it will be more appropriate for his client to avail remedy by way of civil suit.

In response, learned counsel for the petitioner fairly stated that his client may be permitted to withdraw the writ petition with liberty to pursue his remedy before the civil Court.

Learned Government Pleader for Forests and Sri Suryakaran Reddy, learned counsel representing respondent No.1 say that they do not have any objection if leave is granted to the petitioner to file civil suit.

In view of the above, the writ petition is dismissed as withdrawn with liberty to the petitioner to avail remedy by filing civil suit. It will also be open to the petitioner to file

an application for grant of temporary injunction.

**G.S.SINGHVI, CJ**

**Dt.24/3/2006**

**G.BHAVANI PRASAD,J**

msv